



FILED
DISTRICT COURT OF GUAM
JUL 16 2004
MARY L. M. MORAN
CLERK OF COURT

Office of the Attorney General

Douglas B. Moylan

Attorney General of Guam

Civil Division

Guam Judicial Center, Suite 2-200E

120 West O'Brien Drive

Hagåtña, Guam 96910 • USA

(671) 475-3324 • (671) 472-2493 (Fax)

www.guamattorneygeneral.com • law@mail.justice.gov.gu

Attorneys for the Government of Guam

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF GUAM**

THE GOVERNMENT OF GUAM, by and
through the ATTORNEY GENERAL OF
GUAM,

Plaintiff,

vs.

FELIX P. CAMACHO, in his official capacity
as Governor of Guam,

Defendant.

Civil Case No. 04-00035

**PLAINTIFF'S REQUEST FOR
BRIEFING SCHEDULE ON
DEFENDANT'S MOTIONS**

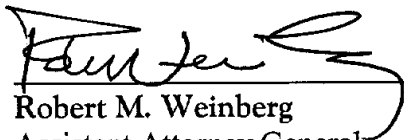
1. This action was filed on July 13, 2004, and seeks declaratory and injunctive relief, both preliminary and permanent, as well as a Temporary Restraining Order. As of this date, to the knowledge of the undersigned, no designated district court judge has been publicly assigned to this case.
2. Presently pending before the Court are the following matters:
 - a. Plaintiff's "Ex parte Application for Issuance of Order to Show Cause and Temporary Restraining Order and Motion for Preliminary Injunctive Relief," filed July 13, 2004;

- 1 b. Plaintiff's "Suggestion of Referral to United States Magistrate Judge,"
2 filed July 13, 2004;
- 3 c. Defendant's "Objection to Suggestion of Referral to United States
4 Magistrate Judge," accompanied by a "Declaration of Louie J. Yanza in
5 Support of Objection to Suggestion of Referral to United States
6 Magistrate Judge" filed July 14, 2004; and
- 7 d. Defendant's "Memorandum in Opposition to "Ex parte Application for
8 Issuance of Order to Show Cause and Temporary Restraining Order,"
9 accompanied by a "Declaration of Michael A. Pangelinan in Support of
10 Defendant's Opposition to Ex parte Application for Issuance of Order to
11 Show Cause and Temporary Restraining Order," filed July 15, 2004.
- 12
- 13 3. The defendant appears to be objecting most strenuously to a mere "suggestion"
14 that the matter be referred to the Magistrate Judge and his grounds appear to be
15 that if the matter were referred, the Magistrate Judge would need to recuse.
16 Although an objection to a "suggestion" appears a little premature, inasmuch as
17 the matter might not be referred to the Magistrate Judge, it is due to be properly
18 briefed, as defendant has failed to articulate legitimate grounds for recusal.
- 19
- 20 4. Inasmuch as the defendant's objection and suggestion of disqualification rests
21 entirely upon a declaration from an attorney in an unrelated matter, Mr. Louie J.
22 Yanza, and inasmuch as the opposition and declaration in support articulate no
23 legitimate factual basis for the Magistrate Judge's recusal beyond speculation and
24 conjecture, it appears that discovery from the declarant is necessary. Accordingly,
25 plaintiff will require time to depose the declarant as to the factual basis for his

1 assertions in support of recusal. Furthermore, as defendant's objection to the
2 suggestion of referral has no factual basis, and appears to be legally without merit
3 on its face, plaintiff requests a briefing schedule to properly brief the issues
4 presented.

- 5 5. Defendant's "Memorandum in Opposition to "Ex parte Application for Issuance
6 of Order to Show Cause and Temporary Restraining Order" is more appropriately
7 title a Motion to Dismiss, as it argues (1) that the matter is not ripe; and (2) that
8 the Court should abstain under *Younger* abstention principles. Plaintiff could not
9 disagree more on both points and respectfully requests a briefing schedule in
10 which to properly brief the issues presented, as defendant's opposition is legally
11 without merit.
- 12 6. By requesting a briefing schedule, plaintiff in no way waive, and hereby reasserts,
13 its application for a temporary restraining order, order to show cause, and
14 preliminary injunction at the earliest practicable opportunity once a district judge
15 has been assigned to this matter.
- 16 7. A proposed order is attached.

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18 OFFICE OF THE ATTORNEY GENERAL
19 DOUGLAS B. MOYLAN, Attorney General of Guam

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22 Robert M. Weinberg
23 Assistant Attorney General
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CERTIFICATE OF SERVICE


This is to certify that I have this day served opposing counsel with a copy of the foregoing by hand delivery, or by depositing same in the United States Mail, postage prepaid, and properly addressed to:

Shannon Taitano, Esq.
Legal Counsel, Governor's Office
P.O. Box 2950
Hagåtña, Guam 96932

Michael A. Pangelinan, Esq.
Calvo and Clark, LLP
Attorneys at Law
655 South Marine Corps Drive, Suite 202
Tamuning, Guam 96911

this 16th day of July, 2004.

OFFICE OF THE ATTORNEY GENERAL
DOUGLAS B. MOYLAN, Attorney General of Guam


Robert M. Weinberg
Assistant Attorney General

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**ORDER ON PLAINTIFF'S REQUEST
FOR BRIEFING SCHEDULE ON
DEFENDANT'S MOTIONS**

For good cause shown, plaintiff's "Request For Briefing Schedule On Defendant's
Motions" is granted as follows:

1. Plaintiff shall file replies to defendant's "Objection to Suggestion of Referral to
United States Magistrate Judge" and "Memorandum in Opposition to "Ex parte
Application for Issuance of Order to Show Cause and Temporary Restraining
Order" on or before _____, 2004.
2. Defendant may file a response to plaintiff's replies within seven (7) days of the
date of service of plaintiff's replies.

SO ORDERED this _____ of _____, 2004.

DISTRICT COURT OF GUAM